

COMING TELEGRAM

Department of State

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FROM: MOSCOW

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TO: Secretary of State
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RE DEPTTEL 1428.

ONE OBVIOUS SOVIET OBJECTIVE IN BERLIN MOVE IS TO STRENGTHEN LEGAL BASIS OF GDR AND WEAKEN ALLIED RIGHTS IN BERLIN. I SHOULD THINK U.N. COULD PLAY USEFUL ROLE IN COUNTERING THESE OBJECTIVES. IF U.N. ACTION COULD BE DIRECTED TOWARD OBTAINING ADVISORY OPINION FROM WORLD COURT EITHER BY SECRETARY GENERAL, SECURITY COUNCIL OR GA THIS SHOULD MINIMIZE POSSIBILITY U.N. IMPLICATION IN POLITICAL ACTIVITIES RESTRICTING OUR FREEDOM OF ACTION. REQUEST FOR LEGAL OPINION COULD BE COMBINED WITH CALL ON GOVERNMENTS (AS SUGGESTED IN BERLIN 712, 729) NOT TO TAKE UNILATERAL ACTION INTERFERING WITH ACCESS TO BERLIN.

TIMING OF MOVE COULD COME ANYTIME BETWEEN NOW AND SIGNATURE BY SOVIETS OF SEPARATE PEACE TREATY WITH GDR. ALTHOUGH PRESUMABLY SOVIETS WOULD NOT ACTUALLY HAVE CONCLUDED SEPARATE PEACE TREATY AT TIME MATTER WOULD BE BROUGHT BEFORE U.N., THEY HAVE REPEATEDLY STATED THEIR INTENTION TO DO SO AND ASSERTED THAT THIS WOULD EXTINGUISH OUR RIGHTS IN BERLIN. IF COURT RULING COULD BE OBTAINED SHOWING THAT SOVIET ACTION COULD NOT EXTINGUISH OUR RIGHTS, SHOULD THING THIS WOULD STRENGTHEN OUR POSITION IN MAINTAINING OUR RIGHTS OF ACCESS. IN ANY EVENT SOVIET VETO OF OR PUBLIC OPPOSITION TO REQUEST FOR ADVISORY OPINION SHOULD BE USEFUL TO US.

THOMPSON

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By TKT NARA, Date 1-5-92